

AUSTIN CITY COUNCIL

AGENDA



Thursday, January 25, 2007

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Austin Water Utility RECOMMENDATION FOR COUNCIL ACTION

ITEM No 7

Subject Approve an ordinance amending Title 15 of the City Code to add Chapter 15-11 relating to private sewer lateral lines, creating an offense, and repealing Article 10 of Chapter 15-10 of the City Code relating to wastewater leaks

Amount and Source of Funding There is no unanticipated fiscal impact

Fiscal Note A fiscal note is not required

Additional Backup Material

(click to open)

- ☐ [Water & Wastewater Commission Rec](#)
- ☐ [Environmental Board Rec](#)
- ☐ [Ordinance](#)
- ☐ [Mechanical Plumbing and Solar Rec](#)

For More Information Gopal Guthikonda, P E , 703-6649, Seyed Miri P E , 972-0202, Denise Avery, 972-0104

Boards and Commission Action Recommended by the Mechanical, Plumbing, and Solar Board, the Environmental Board, and, the Water and Wastewater Commission

The purpose of this ordinance is to create a mechanism by which to encourage the public to maintain their private sewer lateral lines (private laterals) in good condition to reduce sanitary sewer overflows (SSOs), to protect public health and the environment, and to save the City from the significant and unnecessary expense of treating storm water which enters the City's system through defective private laterals. In addition, the ordinance is aimed at satisfying the U.S. Environmental Protection Agency's (EPA) concerns regarding SSOs caused by defective private laterals.

A sewer lateral line is the service pipe line that connects the building to the City's sewer main. A private lateral is the portion of the sewer lateral that lies within the private property outside the City's right of way and the utility easement. Defective private laterals have resulted in blocked pipelines causing sanitary sewer overflows, potential health hazards and environmental degradation. Defective private laterals also cause storm water to enter the sewer pipelines, causing pipeline capacity reduction and SSOs. This has a financial impact to the Utility. The occurrence of SSOs requires that Austin Water Utility (Utility) provide staff around the clock to address wastewater emergencies. In addition, storm water entering private laterals is conveyed through the wastewater pipelines and is treated at the wastewater treatment plants at significant expense to the City.

The EPA on April 29, 1999 issued an Administrative Order (AO) requiring the City of Austin to eliminate sanitary sewer overflows. The City initiated the Austin Clean Water Program (ACWP) to meet the requirements of the AO. In City meetings with EPA, EPA has expressed concerns regarding SSOs resulting from defective private laterals.

The property owner is responsible for maintaining the private lateral. The Utility, by conventional testing methods, identifies defective private laterals during routine maintenance inspection or during an emergency response call to address an SSO or a blockage in the pipeline. The ordinance requires repair or replacement of a private lateral when defects may allow the discharge of sewage on the property, allow extraneous water to enter the City's sanitary sewer collection system or would interfere with the proper operation of the private lateral. These defects include pipe or joint deterioration, root intrusion, misaligned pipe segment, a sag, lack of positive gradient, lack of cleanout cap or manhole cover, a downspout, drain or other connection that allows storm water or other extraneous water to enter the sanitary sewer.

When a defect in the private lateral is identified, the owner of the private lateral is notified in writing, providing the details of the defects and requiring the owner to repair or replace the lateral within 60 days. In instances when sewage is exposed on the property, the owner must stop the discharge immediately, remediate the site within 24 hours and repair the defective private lateral within 30 days. Failure to correct the identified defects will be considered an offense subject to penalties not to exceed \$500.

The ordinance also authorizes the Utility to establish a Financial Assistance Program that will make available financial assistance in the form of low interest loans or grants to qualifying homeowners in order to comply with the requirements of the ordinance.

The Citizen Advisory Group of the ACWP representing various neighborhoods and civic organizations formed a task force to assist the Utility in developing the new ordinance.



MEMORANDUM

TO Mayor and Council Members
FROM Michael Warner, Chairperson
Water and Wastewater Commission
DATE December 20, 2006
SUBJECT Water and Wastewater Commission Resolutions

Attached are the Water and Wastewater Commission resolutions that passed at the December 20, 2006 regular meeting. The resolutions are briefly listed below.


- 122006-A Commission Recommendation Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD, Killeen, TX, for the construction of the Nagle Annexation Wastewater Improvements Project in an amount not to exceed \$474,759.50
- 122006-B Commission Recommendation Authorize negotiation and execution of an amendment to the professional services agreement with NAVIGANT CONSULTING, INC, Atlanta, GA, for forensic services to examine and analyze project scheduling for the Ullrich Water Treatment Plant Expansion to 160 million gallons per day (MGD) Project in an amount of \$200,000 for a total contract amount not to exceed \$369,000
- 122006-C Commission Recommendation Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS and NEWNAM, INC, Austin, TX, for preliminary engineering services for the Lost Creek Wastewater Pump Over Project in an amount not to exceed \$300,000
- 122006-D Commission Recommendation Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, LP (NON M/WBE 6%), Houston, TX, for Walnut Creek Service to Annexed Areas Project B in the amount of \$6,384,876 plus a \$319,244 contingency, for a total contract amount not to exceed \$6,704,120

Water and Wastewater Commission Resolution
December 20, 2006

- 122006-E Commission Recommendation Ratify construction contract with KEYSTONE CONSTRUCTION, INC, Austin, TX, for construction of the Austin Clean Water Program Harold Court Wastewater Repair Project in the amount of \$142,128 70
- 122006-F Commission Recommendation Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC for the construction of reliability and capacity improvements to both the Forest Ridge and Four Points Pump Stations in the amount of \$578,800 plus a \$60,000 contingency, for a total contract amount not to exceed \$638,800
- 122006-G Commission Recommendation Authorize execution of a construction contract with SMITH CONTRACTING CO , INC , Austin, TX, for wastewater construction on the Austin Clean Water Program Govalle 5 - Johnson Creek Project in an amount not to exceed \$926,844 45
- 122006-H Commission Recommendation Authorize the City Manager to negotiate and execute an agreement with Aqua Utilities, Inc dba Aqua Texas, Inc to provide wholesale water service to the Morningside subdivision located near the intersection of Manchaca Road and Morningside Lane
- 122006-I Commission Recommendation Authorize the City Manager to negotiate and execute an agreement with Wells Branch Municipal Utility District and Dartagnan Partners, Limited Partnership, through its Austin Bell Tower Investment Company, to provide pass-through wastewater service to the Technopolis tract located near the intersection of FM 1325 and Merriltown Drive
- 122006-J Commission Recommendation Approve Service Extension Request No 2565 by SUN NLF LIMITED PARTNERSHIP for water service not to exceed a peak hour flow of 176 gallons per minute (gpm) for a platted 80 lot single-family home development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at Circle Drive and Lenape Trail
- 122006-K Commission Recommendation Approve Service Extension Request No 2557 by ENRIQUE VARA for water service not to exceed a peak hour flow of 2 gallons per minute (gpm) for an existing single-family home located within the Drinking Water Protection Zone in the City's limited-purpose jurisdiction at 10303 North F M 620

Water and Wastewater Commission Resolution
December 20, 2006

122006-L	Commission Recommendation	Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC, Dripping Springs, TX, for the Dessau Wastewater Treatment Plant Fish Tract Lift Station Project in the amount of \$488,000 plus a \$48,800 contingency, for a total contract amount not to exceed \$536,800
122006-M	Commission Recommendation	Approve an ordinance amending Title 15 of the City Code to add Chapter 15-11 relating to private sewer lateral lines, creating an offense, and repealing Article 10 of Chapter 15-10 of the City Code relating to wastewater leaks
122006-N	Commission Recommendation	Authorize negotiation and execution of a 12-month service agreement with VELOCITY CREDIT UNION for the Austin Clean Water Program's Private Lateral Sewer Lateral Low Interest Loan Program in an amount not to exceed \$700,000, with two 12-month extension options in an amount not to exceed \$700,000 per extension option for a total agreement not to exceed \$2,100,000


For Michael Warner, Chairperson
Water and Wastewater Commission

Attachments



ENVIRONMENTAL BOARD MOTION 120606-C1

Date December 06 2006

Subject Recommend approval of an ordinance amending Title 15 of the City Code to add Chapter 15-11 relating to private sewer lateral lines creating an offense, and repealing Article 10 of Chapter 15-10 of the City Code relating to leaks

Motioned By Approved on consent

Recommendation

The Environmental Board recommends **approval** of an ordinance amending Title 15 of the City Code to add Chapter 15-11 relating to private sewer lateral lines creating an offense and repealing Article 10 of Chapter 15-10 of the City Code relating to leaks on consent

Staff Conditions None

Board Conditions None

Rationale Approval by consent

Vote 9-0-0-0

For Dave Anderson, Dr. Mary G. Maxwell, Jon Beall, Rodney Ahart, Julie Jenkins, Phil Moncada, John Dupnik and Karin Ascot

Against

Abstain

Absent

Approved By

Dave Anderson P.E. CFM
Environmental Board Chair

ORDINANCE NO.

**AN ORDINANCE AMENDING TITLE 15 OF THE CITY CODE TO ADD
CHAPTER 15-11 RELATING TO PRIVATE SEWER LATERAL LINES;
CREATING AN OFFENSE; AND REPEALING ARTICLE 10 OF CHAPTER 15-
10 OF THE CITY CODE RELATING TO WASTEWATER LEAKS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

(A) The Council finds that

- (1) defective private lateral sewer lines have resulted in the discharge of sewage onto public and private property creating a public health and safety hazard,
- (2) defective private lateral sewer lines result in significant water inflow and infiltration into the City's sanitary sewer system contributing to sewage overflows and cause the City to incur substantial cost each year for additional wastewater treatment, and
- (3) the United States Environmental Protection Agency issued an administrative order requiring the City to take measures to prevent sewage overflows from the City's sanitary sewer system

(B) The Council finds that it is in the public health, welfare and interest to

- (1) test and inspect private lateral sewer lines,
- (2) require repair of defective private lateral sewer lines, and
- (3) require maintenance of private lateral sewer lines

PART 2. Title 15 of the City Code is amended to add a new Chapter 15-11 to read

CHAPTER 15-11. PRIVATE LATERAL SEWER LINES.

§ 15-11-1 APPLICABILITY.

This division applies to property that receives water or wastewater service from the Austin Water Utility

1 **§ 15-11-2 DEFINITIONS.**

2 In this division

- 3 (1) DIRECTOR means the director of the Austin Water Utility
- 4 (2) PRIVATE LATERAL means the segment of the sanitary sewer system
- 5 located on private property that connects a residence or business to the
- 6 City's sanitary sewer system

7 **§ 15-11-3 OWNER MAINTENANCE REQUIRED.**

8 The owner of property containing a private lateral shall maintain the private lateral

9 Maintenance under this section includes

- 10 (1) clearing obstructions from the private lateral,
- 11 (2) repairing a defect in the private lateral that allows the introduction of
- 12 extraneous flow or debris into the sanitary sewer system,
- 13 (3) repairing a defect in the private lateral that allows the discharge of
- 14 sewage on the property, and
- 15 (4) keeping a manhole cover in place or a clean out cap tight and in place

16 **§ 15-11-4 TESTING AND NOTICE OF DEFECTIVE PRIVATE LATERAL.**

- 17 (A) The city manager may periodically perform special tests to confirm the
- 18 integrity of the sanitary sewer system, including smoke testing, dyed water
- 19 testing, air testing, hydraulic testing, closed circuit television inspection, and
- 20 other testing and inspection techniques approved by the city manager
- 21 (B) The city manager may enter private property to inspect or test a private lateral
- 22 (C) The city manager shall give the property owner not less than 24 hours written
- 23 notice before city personnel enter private property to conduct an inspection or
- 24 test, unless
- 25 (1) city personnel are conducting an investigation of a complaint or
- 26 responding to a customer request to test or inspect a private lateral, or
- 27 (2) sewage is exposed on the property in a manner that creates a potential
- 28 public health hazard
- 29 (D) The city manager may identify defects in a private lateral that allow extraneous
- 30 flow or debris to enter the private lateral or the discharge of sewage on the

property, or a condition that may interfere with the proper operation of the private lateral

(E) A defect under this section may include

- (1) evidence of pipe or joint deterioration,
- (2) root intrusion into a pipe that separates a pipe joint or enlarges an existing crack,
- (3) a misaligned pipe segment, sag, or lack of positive gradient,
- (4) a lack of a necessary cleanout cap or manhole cover,
- (5) a downspout, drain, or other connection that allows storm water or other extraneous water to enter the sanitary sewer system, or
- (6) a flaw that allows the discharge of sewage on the property or the introduction of extraneous water into the sanitary sewer system

(F) Except as provided in Section 15-11-5(B) (*Repair or Replacement Required, Standards*), if the city manager identifies a defective private lateral or a condition that interferes with the proper operation of the private lateral, the city manager shall send the property owner written notice of the defect or condition, including a statement that the private lateral must be replaced or repaired, or the condition corrected, not later than the 60th day after the date of the notice

§ 15-11-5 REPAIR OR REPLACEMENT REQUIRED; STANDARDS.

(A) A property owner shall repair or replace a defective private lateral from the property line to the building. The property owner shall pay the appropriate fee and obtain a permit from the City before performing the repair or replacement of a defective private lateral

(B) If sewage is exposed on the property in a manner that makes it a potential public health hazard, a property owner must

- (1) stop the discharge of sewage immediately,
- (2) remediate the site not later than 24 hours after the owner has notice of the exposed sewage, and
- (3) complete all necessary repairs or replacement of a private lateral immediately, but not later than the 30th day after the owner has notice of the exposed sewage

- 1 (C) A person who repairs an existing private lateral or installs a new or
2 rehabilitated private lateral shall perform the repair or installation as prescribed
3 by the Water Utility's wastewater service connection standards and the
4 Plumbing Code

5 **§ 15-11-6 POST-REPAIR AND POST-REPLACEMENT INSPECTION AND**
6 **TESTING REQUIREMENTS.**

- 7 (A) After a property owner has repaired or replaced a defective private lateral, the
8 city manager shall

9 (1) inspect the private lateral to determine that it complies with the Water
10 Utility's wastewater service connection standards and the Plumbing
11 Code, and

12 (2) test the private lateral in a manner approved by the director

- 13 (B) If a private lateral fails the post-repair or post-replacement inspection or test,
14 the property owner shall perform additional repairs as required by the city
15 manager to correct the defect

16 **§ 15-11-7 FINANCING PROGRAM; APPLICATION.**

- 17 (A) The City may establish a private lateral finance program to assist a property
18 owner in financing the repair or replacement of a defective private lateral

- 19 (B) A property owner may apply for assistance from the program by filing an
20 application with the director on the form prescribed by the director

- 21 (C) If a property owner complies with the application requirements, the director
22 may authorize the owner to obtain financing under the program

23 **§ 15-11-8 OFFENSE.**

- 24 (A) A property owner commits an offense if the owner fails to repair or replace a
25 defective private lateral in compliance with the Plumbing Code or to correct a
26 condition interfering with the proper operation of a private lateral on or before
27 the date specified by the director in the director's written notice of the defect
28 or as required by Section 15-11-5 (B) (*Repair or Replacement Required,*
29 *Standards*)

- 30 (B) A property owner commits an offense if the owner fails to stop the discharge
31 of sewage and to remediate the site not later than 24 hours after the owner
32 receives notice from the City of exposed sewage on their property

1 (C) Each day or part of a day during which non-compliance occurs constitutes a
2 separate offense

3 **§ 15-11-9 CRIMINAL PENALTY.**

4 A person who violates this chapter commits an offense, punishable under Section
5 1-1-99 (*Offenses, General Penalty*) by a fine not to exceed \$500

6 **§ 15-11-10 CIVIL PENALTY.**

7 (A) If a person violates this chapter or fails to take action to comply with this
8 chapter, or federal, state, or local regulations, the city attorney may initiate a
9 suit for

10 (1) civil penalties authorized under Texas Local Government Code
11 Section 54 017 (*Civil Penalty*),

12 (2) injunctive relief,

13 (3) recovery of expenses, loss, or damage to City property or equipment,
14 and

15 (4) other available relief

16 **§ 15-11-11 CUMULATIVE REMEDIES.**

17 The remedies authorized under this chapter are cumulative unless specifically
18 prohibited by state or federal regulation

19 **PART 3.** Chapter 15-10, Article 10 (*Wastewater Leaks*) of the Code is repealed
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21
22
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24
25

PART 4. This ordinance takes effect on _____, 2007

PASSED AND APPROVED

_____, 2007

2

§

8

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

MECHANICAL PLUMBING AND SOLAR BOARD

October 19, 2006

PUBLIC HEARING MEETING

ATTENDANCE

Members	Present	Absent	Staff	Present	Absent
Jerry Garza	<input checked="" type="checkbox"/>		Leon Barba	<input checked="" type="checkbox"/>	
Michael Nail		<input checked="" type="checkbox"/>	Dan Garcia		<input checked="" type="checkbox"/>
Thomas Combs	<input checked="" type="checkbox"/>		Dan McNabb	<input checked="" type="checkbox"/>	
Paul Hovey	<input checked="" type="checkbox"/>		Chap Thornton		<input checked="" type="checkbox"/>
William Harris	<input checked="" type="checkbox"/>				
Joey Mims		<input checked="" type="checkbox"/>			
Steven Cox	<input checked="" type="checkbox"/>				

Call to Order

Jerry Garza called the meeting to order at 9 00 AM

Approval of meeting minutes from meeting held on February 16, 2006.

After review, motion made by Tom Combs to accept meeting minutes seconded by Bill Harris Motion passed 5-0-0

Agenda Items

Items #1

- 1 Conduct a public hearing and make recommendation on an ordinance relating to sewer laterals

Discussion

- a Various discussions on the impact of the ordinance

Action Motion made by Tom Combs to recommend to Council the approval of the Private Lateral

Ordinance Motion seconded by Bill Harris

Motion passed 5-0-0

Next Agenda Items

Meet to discuss the recommendation of the 2006 Solar Code

Adjournment

Motion made to adjourn the meeting by Tom Combs Motion was seconded by Paul Hovey Motion Passed 5-0-0